

AMENDED IN SENATE JUNE 15, 2000

AMENDED IN SENATE MAY 18, 2000

Senate Constitutional Amendment

No. 20

Introduced by ~~Senators Perata, Costa, Escutia, Johannessen, Kelley, Monteith, Murray, Peace, and Polanco~~ Senator Perata

(Principal coauthors: Assembly Members Granlund and Papan)

(Coauthors: Senators Costa, Escutia, Kelley, Murray, Peace, and Polanco)

May 8, 2000

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by *adding Section 21 to Article II thereof, by amending Section 2 of Article IV thereof, and by amending Section 7* *Section 2 of Article IV thereof, by amending Sections 2 and 11 of Article V thereof, by amending Section 2 of Article IX thereof, by amending Section 17 of Article XIII thereof, and by repealing Section 7 of Article XX* thereof, relating to ~~the Legislature~~ *elected officials*.

LEGISLATIVE COUNSEL'S DIGEST

SCA 20, as amended, Perata. ~~Legislature~~ *Elected officials: term limits: budget bill.*

The California Constitution establishes ~~the California Legislature, consisting of the Senate and the Assembly. Under the California Constitution, no Senator may serve more than~~

~~2 terms of 4 years each, and no Member of the Assembly may serve more than 3 terms of 2 years each, as specified.~~

~~This measure would provide instead that a Senator may not serve more than 3 terms in that office and that a Member of the Assembly may not serve more than 6 terms in that office, commencing in 2000, as specified term limits for elected officials, including limits of 2 terms of 4 years each for the Governor, other statewide elected officials, members of the State Board of Equalization, and Members of the Senate, and limits of 3 terms of 2 years each for Members of the Assembly.~~

This measure would provide instead that a person may not serve for more than 12 years as a Member of the Senate, or for more than 12 years as a Member of the Assembly. It would further provide that a person may not serve as Governor, in any other statewide elective office, or as a member of the State Board of Equalization for more than 8 years. This measure would provide that these limitations apply only to terms to which persons are elected or appointed on or after November 6, 1990, subject to certain exceptions, and do not apply to any unexpired term of office to which a person is elected or appointed if that person's eligibility to serve in that office has not expired as of the date he or she enters upon the duties of that office pursuant to that election or appointment.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That*
2 *the Legislature of the State of California at its 1999–2000*
3 *Regular Session commencing on the seventh day of*
4 *December 1998, two-thirds of the membership of each*
5 *house concurring, hereby proposes to the people of the*
6 *State of California that the Constitution of the State be*
7 *amended as follows:*

8 *First—That Section 21 is added to Article II thereof, to*
9 *read:*

10 *SEC. 21. (a) Notwithstanding any other provision of*
11 *this Constitution, except as otherwise provided by this*
12 *section:*

13 *(1) A person may not serve more than 12 years as a*
14 *Member of the Senate, or as a Member of the Assembly.*

1 (2) A person may not serve more than eight years as
2 Governor, in any other statewide elective office, or as a
3 member of the State Board of Equalization.

4 (b) The limitations in paragraphs (1) and (2) of
5 subdivision (a) apply only to terms to which persons are
6 elected or appointed on or after November 6, 1990, except
7 that, as to a then-incumbent Senator whose office was not
8 on the ballot for the general election on November 6,
9 1990, the limitation in paragraph (1) of subdivision (a)
10 applies as of December 3, 1990.

11 (c) The limitations in subdivision (a) do not apply to
12 any unexpired term of office to which a person is elected
13 or appointed, if that person's eligibility to serve in that
14 office has not expired as of the date he or she enters upon
15 the duties of that office pursuant to that election or
16 appointment.

17 ~~First—That~~

18 ~~Second—That~~ Section 2 of Article IV is amended to
19 read:

20 SEC. 2. (a) The Senate has a membership of 40
21 Senators elected for four-year terms, 20 to begin every
22 ~~two years. No Senator may serve more than three terms.~~
23 ~~two years.~~

24 The Assembly has a membership of 80 members
25 ~~elected for two-year terms. No Member of the Assembly~~
26 ~~may serve more than six terms. elected for two-year~~
27 ~~terms.~~

28 Their terms shall commence on the first Monday in
29 December next following their election.

30 (b) Election of Members of the Assembly shall be on
31 the first Tuesday after the first Monday in November of
32 even-numbered years unless otherwise prescribed by the
33 Legislature. Senators shall be elected at the same time
34 and places as Members of the Assembly.

35 (c) A person is ineligible to be a member of the
36 Legislature unless the person is an elector and has been
37 a resident of the legislative district for one year, and a
38 citizen of the United States and a resident of California for
39 three years, immediately preceding the election.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

~~Second—That Section 7 of Article XX is amended to read:~~

~~SEC. 7. (a) The limitations on the number of terms prescribed by Section 2 of Article IV, as amended November 6, 1990, Sections 2 and 11 of Article V, Section 2 of Article IX, and Section 17 of Article XIII apply only to terms to which persons are elected or appointed on or after November 6, 1990, except that an incumbent Senator whose office is not on the ballot for the general election on that date may serve only one additional term.~~

~~(b) Section 2 of Article IV, as amended by the measure that added this subdivision, applies, for purposes of computing term limitations, only to terms of office as a Senator or Member of the Assembly that commence on or after December 4, 2000, but also includes the term of an incumbent Senator whose office is not on the ballot for the November 7, 2000, general election.~~

~~(c) The term limitations identified in this section do not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than half of the full term.~~

Third—That Section 2 of Article V is amended to read:

SEC. 2. The Governor shall be elected every fourth year at the same time and places as members of the Assembly and hold office from the Monday after January 1 following the election until a successor qualifies. The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding the Governor's election. The Governor may not hold other public office. ~~No Governor may serve more than 2 terms.~~

Fourth—That Section 11 of Article V is amended to read:

SEC. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor. ~~No Lieutenant Governor,~~

~~Attorney General, Controller, Secretary of State, or Treasurer may serve in the same office for more than 2 terms.~~

Fifth—That Section 2 of Article IX is amended to read:

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. ~~No Superintendent of Public Instruction may serve more than 2 terms.~~

Sixth—That Section 17 of Article XIII is amended to read:

SEC. 17. The Board of Equalization consists of ~~5~~ five voting members: the Controller and ~~4~~ four members elected for ~~4-year~~ four-year terms at gubernatorial elections. The State shall be divided into four Board of Equalization districts with the voters of each district electing one member. ~~No member may serve more than 2 terms.~~

Seventh—That Section 7 of Article XX is repealed.

~~SEC. 7. The limitations on the number of terms prescribed by Section 2 of Article IV, Sections 2 and 11 of Article V, Section 2 of Article IX, and Section 17 of Article XIII apply only to terms to which persons are elected or appointed on or after November 6, 1990, except that an incumbent Senator whose office is not on the ballot for the general election on that date may serve only one additional term. Those limitations shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than half of the full term.~~